

EXHIBIT 13

In the Matter Of:

UNITED STATES OF AMERICA v

GOOGLE, LLC

NEAL MOHAN

October 30, 2023



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

- - -

UNITED STATES OF : CASE NO.
AMERICA, et al., : 1:23-cv-00108
: -LMB-JFA
Plaintiffs, :
v. :
GOOGLE, LLC, :
Defendant. :

- HIGHLY CONFIDENTIAL -

- - -

October 30, 2023

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Videotaped deposition of
NEAL MOHAN, taken pursuant to notice, was
held at the law offices of Axinn, Veltrop
& Harkrider, LLP, 1901 L Street NW,
Washington, D.C., beginning at 8:35 a.m.,
on the above date, before Michelle L.
Gray, a Registered Professional Reporter,
Certified Court Reporter, Certified
Realtime Reporter, and Notary Public.

- - -

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<p>1 - - -</p> <p>2 ... NEAL MOHAN, having been</p> <p>3 first duly sworn, was examined and</p> <p>4 testified as follows:</p> <p>5 - - -</p> <p>6 MR. BITTON: Do we need to</p> <p>7 state counsel for the record, or</p> <p>8 is that all captured --</p> <p>9 MR. LONGMAN: I'll do --</p> <p>10 I'll do an introduction if we</p> <p>11 need it.</p> <p>12 Sorry.</p> <p>13 Good morning, Mr. Mohan.</p> <p>14 My name is Timothy Longman</p> <p>15 from the U.S. Department of</p> <p>16 Justice, and I represent the</p> <p>17 United States of America in this</p> <p>18 matter.</p> <p>19 Also with me today, I'm</p> <p>20 joined today by Chase Pritchett,</p> <p>21 Emily Reed, and Julia Wood, also</p> <p>22 for the United States and from</p> <p>23 the Department of Justice.</p> <p>24 Could counsel for the</p>	<p>1 to prepare for today's deposition?</p> <p>2 A. I had a couple conversations</p> <p>3 with my counsel team here.</p> <p>4 Q. When did those conversations</p> <p>5 take place?</p> <p>6 A. Friday, and then a little</p> <p>7 bit on Saturday.</p> <p>8 Q. Okay. And which counsel did</p> <p>9 you meet with?</p> <p>10 A. I met with Daniel and</p> <p>11 Jeannie and Steve and -- is there anybody</p> <p>12 else?</p> <p>13 MR. BITTON: Bella.</p> <p>14 THE WITNESS: And Bella as</p> <p>15 well, yes. Most importantly,</p> <p>16 yes.</p> <p>17 BY MR. LONGMAN:</p> <p>18 Q. Okay. And where did those</p> <p>19 preparation sessions take place?</p> <p>20 A. On Google Meets. They were</p> <p>21 video conversations.</p> <p>22 Q. Okay. Did you have any</p> <p>23 other meetings with counsel previous to</p> <p>24 Friday and Saturday to prepare for</p>
Page 11	Page 13
<p>1 witness please identify</p> <p>2 themselves for the record.</p> <p>3 MR. BITTON: Yes. This is</p> <p>4 Daniel Bitton from Axinn for</p> <p>5 Mr. Mohan and Google.</p> <p>6 With me, Chris Erickson,</p> <p>7 also from Axinn; Jeannie Rhee</p> <p>8 from Paul Weiss; Isabella</p> <p>9 Solorzano from Axinn; and then</p> <p>10 Steve Sparling from Google.</p> <p>11 MR. LONGMAN: Are there any</p> <p>12 other counsel online for the</p> <p>13 states and MDL?</p> <p>14 Okay.</p> <p>15 - - -</p> <p>16 EXAMINATION</p> <p>17 - - -</p> <p>18 BY MR. LONGMAN:</p> <p>19 Q. Mr. Mohan, could you start</p> <p>20 by providing your full name for the</p> <p>21 record.</p> <p>22 A. Yeah. Neal Mohan. N-E-A-L;</p> <p>23 M, as in Mary, O-H-A-N.</p> <p>24 Q. Okay. And what did you do</p>	<p>1 today's deposition?</p> <p>2 A. I did have a couple of</p> <p>3 conversations, I think, earlier -- I</p> <p>4 can't remember -- maybe a few weeks ago,</p> <p>5 because I think this was originally</p> <p>6 planned to happen several weeks ago. And</p> <p>7 so in preparation for that. But I</p> <p>8 believe that was -- the dates of these</p> <p>9 changed, so we met again.</p> <p>10 Q. Okay. Going back to your</p> <p>11 preparation session on Friday. How long</p> <p>12 did your preparation session take on</p> <p>13 Friday?</p> <p>14 A. On and off, maybe -- maybe</p> <p>15 about three hours, in that ballpark.</p> <p>16 Q. And what do you mean by "on</p> <p>17 and off"?</p> <p>18 A. I took a break to go to the</p> <p>19 bathroom and things like that.</p> <p>20 Q. Okay. And on Saturday how</p> <p>21 long did you meet with counsel?</p> <p>22 A. Similarly. Maybe a little</p> <p>23 less. Maybe a couple hours.</p> <p>24 Q. Okay. Going back to your</p>

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<p>1 THE WITNESS: Yeah, nobody</p> <p>2 asked me to -- whether I used --</p> <p>3 I'm just -- I'm having a hard</p> <p>4 time following your question.</p> <p>5 BY MR. LONGMAN:</p> <p>6 Q. I'm asking --</p> <p>7 A. Like I -- you know, did</p> <p>8 some --</p> <p>9 Q. So --</p> <p>10 MR. BITTON: Yeah, I would</p> <p>11 say -- I would instruct you not</p> <p>12 to reveal any communication with</p> <p>13 counsel that you've had --</p> <p>14 THE WITNESS: Okay.</p> <p>15 MR. BITTON: -- in</p> <p>16 responding to that question.</p> <p>17 MR. LONGMAN: I think he</p> <p>18 could reveal the fact that he met</p> <p>19 with counsel, to the extent that</p> <p>20 he asked for legal advice about</p> <p>21 the specific documents.</p> <p>22 MR. BITTON: I instruct the</p> <p>23 witness not to reveal</p> <p>24 communications he's had with</p>	<p>1 response to your question.</p> <p>2 You know what your question</p> <p>3 was, so I think it's pretty</p> <p>4 clear, okay?</p> <p>5 Ask your question. I've</p> <p>6 given my witness the instruction</p> <p>7 not to answer in a way that</p> <p>8 reveals communications with</p> <p>9 counsel.</p> <p>10 MR. LONGMAN: Okay.</p> <p>11 BY MR. LONGMAN:</p> <p>12 Q. Do you regularly use Chats</p> <p>13 in the course of your business</p> <p>14 activities?</p> <p>15 A. I occasionally use Chats.</p> <p>16 Oftentimes to schedule meetings or check</p> <p>17 in on an employee, that kind of thing.</p> <p>18 Q. Okay. Do you use e-mail</p> <p>19 regularly in the course of your business?</p> <p>20 A. Yes.</p> <p>21 Q. For business purposes, do</p> <p>22 you communicate in any other form within</p> <p>23 Google?</p> <p>24 MR. BITTON: Objection to</p>
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<p>1 counsel. That instruction</p> <p>2 stands.</p> <p>3 MR. LONGMAN: Okay. So</p> <p>4 your instruction is to not --</p> <p>5 MR. BITTON: My instruction</p> <p>6 is not to reveal communications</p> <p>7 with counsel.</p> <p>8 MR. LONGMAN: Okay.</p> <p>9 MR. BITTON: That's my</p> <p>10 instruction.</p> <p>11 MR. LONGMAN: Put it -- so</p> <p>12 your instruction is -- what --</p> <p>13 what is the scope of your</p> <p>14 instruction? Which</p> <p>15 communications is he not allowed</p> <p>16 to share?</p> <p>17 MR. BITTON: Communications</p> <p>18 with counsel.</p> <p>19 MR. LONGMAN: About what?</p> <p>20 MR. BITTON: About the</p> <p>21 question that --</p> <p>22 Tim, my instruction to the</p> <p>23 witness is to not reveal</p> <p>24 communications with counsel in</p>	<p>1 form.</p> <p>2 THE WITNESS: You mean in</p> <p>3 addition to e-mail?</p> <p>4 BY MR. LONGMAN:</p> <p>5 Q. And Chats.</p> <p>6 A. No.</p> <p>7 Q. Okay. Are you familiar with</p> <p>8 me-me-gem?</p> <p>9 MR. BITTON: Objection to</p> <p>10 form.</p> <p>11 THE WITNESS: Sorry. Can</p> <p>12 you clarify -- say that again?</p> <p>13 BY MR. LONGMAN:</p> <p>14 Q. Are you familiar with</p> <p>15 Me-me-gem?</p> <p>16 MR. BITTON: Objection to</p> <p>17 form.</p> <p>18 THE WITNESS: Me-me-gem?</p> <p>19 BY MR. LONGMAN:</p> <p>20 Q. I'll say the spelling.</p> <p>21 M-E-M-E-G-E-M?</p> <p>22 A. Oh, Memegen.</p> <p>23 Q. Sorry.</p> <p>24 A. Yeah. I'm familiar with it,</p>

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<p>1 yes.</p> <p>2 Q. Okay. Do you ever post to</p> <p>3 Memegen?</p> <p>4 A. No.</p> <p>5 Q. Okay. Do you post to any</p> <p>6 other internal chats such as Memegen?</p> <p>7 MR. BITTON: Objection to</p> <p>8 form.</p> <p>9 THE WITNESS: Sorry. Do I</p> <p>10 post to any other -- other chats?</p> <p>11 BY MR. LONGMAN:</p> <p>12 Q. Internal -- let me rephrase</p> <p>13 it.</p> <p>14 Do you post to any other</p> <p>15 internal forums such as Memegen?</p> <p>16 A. No.</p> <p>17 Q. Do you -- outside of Chats</p> <p>18 and e-mail, do you use any other</p> <p>19 communication technology for business?</p> <p>20 MR. BITTON: Objection to</p> <p>21 form. Asked and answered.</p> <p>22 THE WITNESS: No.</p> <p>23 BY MR. LONGMAN:</p> <p>24 Q. Do you text for business?</p>	<p>1 question.</p> <p>2 BY MR. LONGMAN:</p> <p>3 Q. Does Google Chats have a</p> <p>4 history on/off function that you are</p> <p>5 aware of?</p> <p>6 MR. BITTON: Objection to</p> <p>7 form.</p> <p>8 THE WITNESS: Again, I'm</p> <p>9 not a Google Chat expert, but I</p> <p>10 believe that it does.</p> <p>11 BY MR. LONGMAN:</p> <p>12 Q. Okay. Do you have an</p> <p>13 understanding of whether Google Chats</p> <p>14 history on/off function has a default</p> <p>15 setting?</p> <p>16 MR. BITTON: Objection to</p> <p>17 form.</p> <p>18 THE WITNESS: Do I have an</p> <p>19 understanding. I believe it has</p> <p>20 a history setting, but, again, I</p> <p>21 am not a Google Chat expert. I</p> <p>22 didn't build that product.</p> <p>23 BY MR. LONGMAN:</p> <p>24 Q. Okay. But are you aware of</p>
Page 111	Page 113
<p>1 MR. BITTON: Objection to</p> <p>2 form.</p> <p>3 THE WITNESS: No, I don't.</p> <p>4 MR. BITTON: Asked and</p> <p>5 answered.</p> <p>6 BY MR. LONGMAN:</p> <p>7 Q. Does Google Chats have a</p> <p>8 default function for preserving chats?</p> <p>9 MR. BITTON: Objection to</p> <p>10 form.</p> <p>11 THE WITNESS: I'm trying to</p> <p>12 follow your question. Does</p> <p>13 Google have a default --</p> <p>14 BY MR. LONGMAN:</p> <p>15 Q. Does Google Chats have a</p> <p>16 default function on preserving records?</p> <p>17 MR. BITTON: Objection to</p> <p>18 form.</p> <p>19 THE WITNESS: I'm not a</p> <p>20 Google Chat expert. It's not my</p> <p>21 product. I'm not responsible for</p> <p>22 it.</p> <p>23 But I believe it has</p> <p>24 default settings, if that's your</p>	<p>1 whether Google Chats has a history on/off</p> <p>2 function -- let me start again.</p> <p>3 Are you aware of whether</p> <p>4 Google Chats' history on/off function has</p> <p>5 a default setting?</p> <p>6 MR. BITTON: Objection to</p> <p>7 form.</p> <p>8 THE WITNESS: I believe</p> <p>9 that it has a setting, although,</p> <p>10 again, I'm not familiar -- I'm</p> <p>11 not an expert on Google Chat. I</p> <p>12 didn't really build the product,</p> <p>13 so...</p> <p>14 BY MR. LONGMAN:</p> <p>15 Q. Yep. I'm not asking if you</p> <p>16 are an expert.</p> <p>17 A. Yeah.</p> <p>18 Q. I'm just asking, in your</p> <p>19 personal knowledge, Mr. Mohan, do you</p> <p>20 know whether Google Chats' history on/off</p> <p>21 function has a default setting?</p> <p>22 MR. BITTON: Objection to</p> <p>23 form.</p> <p>24 THE WITNESS: And as I</p>

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2 CERTIFICATE

3

4

5 I HEREBY CERTIFY that the

6 witness was duly sworn by me and that the

7 deposition is a true record of the

8 testimony given by the witness.

9

10 It was requested before


11 completion of the deposition that the

12 witness, NEAL MOHAN, have the opportunity

13 to read and sign the deposition

14 transcript.

15

16 

17 MICHELLE L. GRAY,

18 A Registered Professional

19 Reporter, Certified [Court

20 Reporter, Certified Realtime

21 Reporter and Notary Public

22 Dated: October 31, 2023

23

24 (The foregoing certification

of this transcript does not apply to any

reproduction of the same by any means,

unless under the direct control and/or

supervision of the certifying reporter.)

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1 INSTRUCTIONS TO WITNESS

2

3 Please read your deposition

4 over carefully and make any necessary

5 corrections. You should state the reason

6 in the appropriate space on the errata

7 sheet for any corrections that are made.

8 After doing so, please sign

9 the errata sheet and date it.

10 You are signing same subject

11 to the changes you have noted on the

12 errata sheet, which will be attached to

13 your deposition.

14 It is imperative that you

15 return the original errata sheet to the

16 deposing attorney within thirty (30) days

17 of receipt of the deposition transcript

18 by you. If you fail to do so, the

19 deposition transcript may be deemed to be

20 accurate and may be used in court.

21

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2 E R R A T A

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4 PAGE LINE CHANGE

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6 REASON:

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24 REASON:

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2 ACKNOWLEDGMENT OF DEPONENT

3

4 I, _____, do

5 hereby certify that I have read the

6 foregoing pages, 1 - 506, and that the

7 same is a correct transcription of the

8 answers given by me to the questions

9 therein propounded, except for the

10 corrections or changes in form or

11 substance, if any, noted in the attached

12 Errata Sheet.

13

14

15 _____

16 NEAL MOHAN DATE

17

18

19 Subscribed and sworn

20 to before me this

21 _____ day of _____, 20____.

22 My commission expires: _____

23

24 Notary Public